

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
TE8/2009

for implementation of the recommendation of the Rights Commissioner
in the case of:

Employer

under

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy

Members: Mr. P. Casey
Mr. A. Kennelly

heard this appeal in Tralee on 1 April 2009

Representation:

Appellant(s) :
In person

Respondent(s) :
No representation listed

This case came to the Tribunal as an appeal for implementation of Rights Commissioner Recommendation TE51184/07/MR.

The decision of the Tribunal was as follows:-

On the basis that the respondent had not appealed Rights Commissioner Recommendation TE51184/07/MR nor paid to the appellant the €2,800.00 calculated by the Rights Commissioner, the appellant sought that the Tribunal implement the Recommendation.

No evidence was offered by or on behalf of the respondent to indicate that he had appealed the Recommendation or had paid the €2,800.00 in question.

Determination:

Section 8 (6) (a) of the Terms of Employment (Information) Act, 1994, states:

“Where a recommendation of a rights commissioner in relation to a complaint under this Act has not been carried out in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the complaint before the Tribunal and the Tribunal shall, without hearing the employer concerned or any evidence (other than in relation to the aforesaid matters), make a determination to the like effect as the recommendation.”

On the uncontested evidence of the appellant, the Tribunal unanimously makes a determination under the Terms of Employment (Information) Act, 1994 to 2001, to the like effect as Rights Commissioner Recommendation TE51184/07/MR, thus allowing the appeal for implementation of the said recommendation and awarding the appellant the sum of €2,800.00 under the said Terms of Employment (Information) Acts, 1994 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)